

National Park Service U.S. Department of the Interior

Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary Authority.

Cane River Creole National Historical Park 400 Rapides Drive Natchitoches, LA 71457

318-352-0383 Park HQ 318-352-4549 fax 318-356-8441 Oakland/park tour information 318-379-1556 Magnolia

Approved:

Joulie Calonate: 11/28/2012

Laura Soullière Gates, Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Cane River Creole National Historical Park. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written *determinations*, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity for the reasons of public health and safety, protection of environmental and scenic values, and protection of natural and cultural resources:

Visiting Hours:

• The **grounds and most historic structures** of the park's Oakland Plantation and Magnolia Plantation units are open to the public from 8:00 a.m. until 4:00 p.m. daily. Conversely the grounds of the park's Oakland and Magnolia Plantation units are closed to the public from 4:00 p.m. until 8:00 a.m. daily.

Determination: The small size of the park staff and the amount of time required to secure park buildings, facilities and gates at the end of each work day necessitate these hours. Visiting hours are established based on the availability of staff, to ensure an enjoyable and safe visitor experience, and to ensure adequate protection of park resources. After-hours use, nighttime activity and overnight parking create a number of impacts that would be inconsistent with the protection of park resources.

- Park Headquarters in Natchitoches Louisiana and other park offices at Oakland Plantation are open Monday through Friday from 8:00 a.m. until 4:30 p.m. with the exception of federal holidays when all park offices are closed.
- Park museum curatorial facility and archives are available to researchers and the public by appointment only.
- Park Headquarters and park offices are closed to public visitation during non-business hours.

Public Use Limits:

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 The number of people allowed at one time inside the Main House at Oakland Plantation is limited to 15 visitors. The number of people allowed on the gallerie (front and side porches) of the Main House at Oakland Plantation is 75.

Determination: These numbers were determined by structural carrying capacities and interpreter's stewardship capabilities during tours. Also determining these numbers are requirements on limitations of numbers of persons imposed by the National Fire Protection Association (NFPA) and Uniform Fire Code.

Certain rooms in a number of the historic structures are locked and are off limits to public use.
 These include but are not limited to places such as the attic of the Main House at Oakland Plantation, the attics of the Oakland and Magnolia Plantation stores, and the attic of the overseer's house at Magnolia Plantation.

Determination: Closures such as these are due to one or a combination of reasons, including structural carrying capacity, lack of accessibility, unsafe conditions and/or sensitivity of the cultural resources.

 During preservation, restoration, stabilization or other construction in the park additional historic structures or park areas may be off limits to public use temporarily. During that time those areas that are off limits will be clearly signed and marked with construction fencing or other material to prohibit public use. The signage and fencing will be removed upon the completion of the project and the historic structure or other park area will return to its normal public use.

Determination: All construction projects are off-limits to the public for assurance of public safety.

Closures:

SOL Review: Nwalthall 120302

• All park facilities including grounds and historic structures are closed on Thanksgiving Day, Christmas Day, and New Year's Day.

Determination: This closure allows all park employees the opportunity to enjoy these holidays with families and friends.

The Superintendent may close any portion of the park and/or roadways to public access
during: prescribed fires; periods of ice, snow, or any other potentially hazardous condition; or
any emergency. Roadways may be closed with gates, barricades, or other traffic control
devices. Driving around or past these devices is prohibited.

Determination: This closure allow for protection of resources or for assurance of public safety during periods of unusual or unpredictable circumstances.

The use of private vehicles on the Seedhouse Road at Oakland Plantation is prohibited.

Determination: This road is maintained for service and employee vehicles only. The use of this road is not necessary to reach any public facilities or park features.

 The Bottle Garden in front of and the area directly underneath the Main House at Oakland Plantation, the Wash House, Fattening Pens, and chicken houses are closed to the general public.

Determination: All of these structures and areas (listed directly above) are closed to the public for resource protection. Exteriors are accessible to the public.



C:\Users\lgates\Documents\Supts Orders - Policies\SuptCompendiumCARI2012.doc Page 2 of 12

 At Oakland Plantation the Seed House, Carriage House, Doctor's House, Doctor's Barn and Doctor's Garage are closed to the general public.

Determination: These buildings are used for park operations, so the interiors are not included in park tours. Exteriors are, however, accessible to the public.

• At Magnolia Plantation, Quarters 3 through 8, the Cotton Picker Shed, the Overseer's Carriage House and the Stable are closed to the general public.

Determination: These buildings are closed for safety, resource protection or park operations, so the interiors are not included in park tours. Exteriors are, however, accessible to the public.

 The park is closed to camping except for groups who may camp, following the Superintendent's approval of a Special Use Permit, in conjunction with a park-sponsored activity.

Determination: Opportunities exist outside the park for camping. There are no designated campgrounds in the park. The park's existing infrastructure does not support campgrounds. Groups connected with park-sponsored activities and that receive Special Use Permits through the office of the Superintendent to camp within the park support the park management in furthering the park mission.

Geo-caching is prohibited through the park, although virtual caching is allowed.

Determination: The entire park consists of historically and archaeologically significant resources. Methods of stashing items such as digging, burying, covering and otherwise concealing items are frequently used while geocaching. These activities are inappropriate within the park. Abandoning and leaving property unattended is unlawful. The activity in itself could appear suspicious to bystanders and staff alike who might misinterpret what the individual is doing. This type of recreational activity is inconsistent with the preservation and protection of resource values, and it is inconsistent with the park's purposes and values.

 All park trails and ground are closed to off-road bicycling, equestrian use, and motorized recreation.

Determination: Soils through the park are highly erodible. The uses above could result in erosion that would damage natural or cultural resources.

(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

• Areas designated for specific uses or activities are: Oakland Plantation, the area between the entrance pavilion and the back of the tractor shed; Magnolia Plantation, the area in front of the Overseer's House fence. Other areas may be designated by the superintendent based upon information provided by the potential permittee in the Special Use Permit request. Restrictions for those areas will be determined by the superintendent on a case-by-case basis following submittal of Special Use Permit request. Activities authorized under a special use permit must be consistent with legislation, regulations and policies; and they must not adversely impact public health, safety, environmental or scenic values, natural or cultural resources, scientific research, implementation of management responsibilities, proper allocation and use of facilities; and they must avoid conflict with visitor use activities.

Other park areas may be assigned depending on the estimated size of the group and parking needs.

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C:\Users\lgates\Documents\Supts Orders - Policies\SuptCompendiumCARI2012.doc Page 3 of 12

SOL Review: Nwalthall 120302

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

 Passenger Carrying Busses: Busses must park in designated locations in the parking lots at Oakland and Magnolia Plantations. Engines must be shut down when busses are parked for a period of more than five minutes.

The idling of bus engines adds unnecessary exhaust fumes to the air, thereby diminishing the peace and tranquility of the park and its enjoyment by visitors.

(a)(3) The following restrictions, limits, closures, designations, conditions, or visiting hour restrictions imposed under §§(a)(1) or (2) have been terminated:

No restrictions have been terminated.

II. CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(f) The following is a compilation of those activities for which a permit from the superintendent is required. Information and applications to request a permit can be obtained at the Office of the Superintendent, Cane River Creole National Historical Park during regular business hours of 8 a.m.-4:30 p.m. Monday through Friday. Contact the park at 318-352-0383 or via mail addressed to: Superintendent, Cane River Creole National Historical Park, 400 Rapides Drive, Natchitoches, Louisiana 71457.

Any activity allowed by a permit shall be consistent with applicable legislation. Federal regulations and administrative policies, and based upon a determination that public health and safety, environmental or scenic values, natural or cultural resources, scientific research, implementation of management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities will not be adversely impacted allowing activities related to Public Use Limits.

- §2.4(d) Carrying or possessing a weapon, trap or net. Firearms may be carried or possessed in accordance with applicable local, state and federal laws. See below for further information.
- §2.5(a) Collecting specimens (taking of plant, fish, wildlife, rocks or minerals)
- §2.10(a) Camping activities including overnight camping by educational, research or youth groups
- §2.12 Audio Disturbances:
 - (a)(2) Operating a chain saw in developed areas
 - (a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
 - (a)(4) Operating a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
 - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means
 - (c)(1) Removal of a downed aircraft
- §2.23(b) The following special recreation activities (per 36 CFR Part 71):

C:\Users\lgates\Documents\Supts Orders - Policies\SuptCompendiumCARI2012.doc Page 4 of 12 SOL Review:Nwalthall120302

- Daily recreation use fees for the use of specialized sites, facilities, equipment or services furnished at federal expense
- Special recreation permit fees for specialized recreation uses such as but not limited to, group activities, recreation events.
- §2.37 Soliciting or demanding gifts, money goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks
- §2.50(a) Conducting a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
- §2.52(c) Sale or distribution of printer matter that is not solely commercial advertising
- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §2.62 Memorialization:
 - (a) Erection of monuments (Requires approval from Regional Director)
 - (b) Scattering ashes from human cremation
- §3.3 Use of a vessel
- §4.11(a) Exceeding of established vehicle load, weight and size limits
- §5.1 Advertisements (Display, posting or distribution.)
- §5.2(b) Sale of intoxicants on private lands.
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
 - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television:
 - (b) Still photography or commercial filming that requires the use of props, models or other items that are not part of the unit's natural or cultural resources or administrative facilities or where the permittee will be allowed access to areas normally closed to visitors;
 - (c) Any commercial photography or filming that will require the park to incur administrative costs to verse the permit or provide management oversight to the permittee to prevent any degradation of park resources.
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a
 permit to access private lands within or adjacent to the park when access is
 otherwise not available)

III. GENERAL REGULATIONS

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

(a)(5) The following conditions are in effect for walking, climbing, entering, or traversing the listed archeological or cultural resources, monuments or statues:

- Walking over all park grounds, walking around all historic structures, and experiencing the park's historic landscapes is permitted during the time the park is open.
- Entering most of the historic structures is permitted during the hours that the park is open to the public, with the exceptions listed in §1.5.
- Climbing on the park's historic structures or ruins is not permitted.

(c)(1), (c)(2) The following fruits, nuts or berries may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or use or consumption restrictions:

- Pecans, limited to one gallon per person per day
- Jube-jubes or Chinese Dates (zizyphus jujuba), limited to one quart per person per day
- Figs, limited to one gallon per person per day
- Climbing on buildings, trees or fences to collect within Cane River Creole National Historical Park is prohibited.

36 CFR §2.2 - WILDLIFE PROTECTION

- (b) Hunting is not allowed by federal statute in Cane River Creole National Historical Park.
- (d) The transporting of lawfully taken wildlife through the park is not permitted.

The park acreage is so small that any lawfully taken wildlife from adjacent lands is more easily removed through those adjacent lands.

(e) The following areas are closed to the viewing of wildlife with the use of an artificial light: the entire national historical park unless done in conjunction with a park-approved special event.

36 CFR §2.4 - WEAPONS, TRAPS, OR NETS

(a)(1)(i) - (iii) Visitors may possess and carry firearms within Cane River Creole National Historical Park in accordance with federal, state, and local laws.

Federal law prohibits firearms in certain park facilities and buildings. These places are marked with signs at public entrances. The federal facilities for Cane River Creole National Historical Park are as follows: all structures, buildings, offices, and interior locations where ranger programs are conducted.

The possession and use of historic weapons necessary to support interpretive and educational demonstrations is permitted, subject to limitations described in a permit issued by the superintendent. Use of the historic weapons will be in a manner consistent with all National Park Service policies related to historic black powder firing demonstrations.

36 CFR §2.10 - CAMPING and FOOD STORAGE

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Cane River Creole National Historical Park has no camping facilities. Primitive camping for educational, research or youth groups may be allowed under special use permit.

36 CFR §2.11 - PICNICKING

Picnicking is permitted during normal operating hours on the grounds of Cane River Creole National Historical Park.

Conditions for Picnicking:

 Picnickers are responsible for cleaning up any litter from their picnic site prior to leaving the location. Trash and recycling receptacles are located at the entrance pavilion at the park's Oakland Plantation, and at the plantation store at Magnolia Plantation.

36 CFR 2.13 - FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

Designated Areas:

 Designated on a case-by-case basis under special use permit and/or approved in writing by the superintendent.

Receptacles Allowed:

• Within fire ring in designated area only following approval as above.

Established Conditions for Fires:

- Fires may be approved in designated areas when moisture levels in park vegetation are high
 enough that fuels will not ignite if ash or embers stray from the fire contained within the fire
 ring.
- Debris pile burning shall be in accordance with State and Federal air quality regulation and law.

(a)(2) The following restrictions are in effect for the use of stoves or lanterns:

 The use of stoves or lanterns may be approved on a case-by-case basis in writing by the superintendent or in a special use permit.

(b) Fires must be extinguished according to the following conditions:

• All fires must be extinguished and ashes cold.

36 CFR §2.14 - SANITATION and REFUSE

(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is prohibited.

36 CFR §2.15 – PETS

These prohibitions do not apply to guide dogs and service dogs.

(a)(1) The following structures and/or areas are closed to the possession of pets:

 Other than the open-air entrance pavilion at Oakland Plantation, all park structures are closed to pets.



(a)(3) Pets may be left unattended and tied to an object in the following areas, under the conditions noted:

- Pets may be left in the shade with water available as long as the owner checks on the welfare of the animal every two hours.
- Pets must be in areas at least 50' away from historic structures and at least 50' away from the walking routes and park trails used by the general public and park staff.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

• Pet excrement must be collected by the pet owner and disposed of in a park trash can.

(a)(6) Pets must be on a leash at all times.

The Code of Federal Regulations requires that the leash not exceed six feet in length.

36 CFR §2.16 - HORSES and PACK ANIMALS

(g) Other conditions concerning the use of horses or pack animals:

• Horses and pack animals are allowed in the park only under a special use permit.

The park acreage is so small that stock use is limited to special events following instructions presented in the special use permit.

36 CFR §2.20 - SKATING, SKATEBOARDS and SIMILAR DEVICES

The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited in the park.

The park has no paved surfaces suitable for these recreational uses.

36 CFR §2.21 - SMOKING

- (a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking as noted:
 - All park buildings.

All park buildings, except the Oakland entrance pavilion, are historic. The prohibition on smoking in historic structures reduces the risk of fire in these fragile historic resources. Smoking is prohibited in the Oakland Entrance Pavilion to prevent conflicts among other visitor use activities.

When fire danger is high, the Superintendent may prohibit smoking on all park grounds until the emergency has passed. The public will be notified of such a prohibition through signs posted at conspicuous locations throughout the park. At such times smoking is allowed only in personal vehicles in the park's gravel parking lots.

Employees may smoke while on breaks or other personal time in any area generally outside of public view and no closer than within 25 feet of any building entrance that is most usually used by visitors, such as the Oakland entrance pavilion and the plantation stores.

36 CFR §2.23 – RECREATION FEES

(b) Recreation fees, and/or a permit, in accordance with 36 CFR part 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:

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Entrance Fee Areas: There is no entrance fee at Cane River Creole National Historical Park at this time.

<u>Daily Site Use Fee Areas:</u> There are no daily site use fees at Cane River Creole National Historical Park at this time.

Special Recreation Permit Fee (such as but not limited to, group activities, after-hour events, recreation events, and specialized recreation uses): These fees will be determined by the Superintendent through the special use permit process and based upon standard cost recovery charges as authorized in 37 USC 9701.

Application Fee for Special Use Permit: \$25.00 nonrefundable.

36 CFR §2.35 -ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

Alcohol possession and use is permitted within the park in accordance with Louisiana state laws, including age restrictions and open container regulations. No alcohol possession or use is permitted in any government building.

Presence in a park area when under the influence of alcohol or a controlled substance to a degree that may endanger oneself or another person, or damage property or park resources, is prohibited.

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

Inside and within 10 feet of all park historic structures at the Oakland and Magnolia Plantation units.

The sensitive fabric of the park's historic structures makes them inappropriate for contact with alcohol. Because the park is used by multiple school groups, including home-school groups, and because the entrance pavilion is the only sheltered gathering place for school groups, consumption of alcohol there prohibited unless authorized by the superintendent under a special use permit. The park contains ample open space for that activity. At the same time the consumption of a small amount of wine or other alcohol in conjunction with a meal or special event is a 300-year-old cultural tradition on Cane River. Because the traditional peoples and cultures of Cane River are our most important resources, this tradition will remain unimpeded.

36 CFR §2.38 - EXPLOSIVES

- (a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited.
- (b) Using or possessing fireworks or firecrackers is prohibited in Cane River Creole National Historical Park.

The dense population of historic structures at both park units, vast expanses of hayfields and woodlands, disturbance to wildlife, and the potential for fire to destroy these prime park resources necessitates this order.

36 CFR § 2.51 – DEMONSTRATIONS

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- (c) Demonstrations are allowed within park areas designated as available under paragraph 36 CFR § 1.5 (a)(2) or other areas as designated by the Superintendent under the following conditions:
- Demonstrations involving 25 persons or fewer may be held without a permit within the areas designated above.
- Demonstrations involving more than 25 persons always require a permit, as provided for under this section.

(c)(2) Locations designated as available for demonstrations and the sale or distribution of printed matter.

The following areas may be designated for permitted activities:

Oakland Plantation, the area between the entrance pavilion and the back of the tractor shed; Magnolia Plantation, the area in front of the Overseer's House fence. Other areas may be designated by the superintendent based upon information provided by the potential permittee in the Special Use Permit request. Restrictions for those areas will be determined by the superintendent on a case-by-case basis following submittal of Special Use Permit request. Activities authorized under a special use permit must be consistent with legislation, regulations and policies; and they must not adversely impact public health, safety, environmental or scenic values, natural or cultural resources, scientific research, implementation of management responsibilities, proper allocation and use of facilities; and they must avoid conflict with visitor use activities.

Cane River Creole National Historical Park is small in acreage. The park's parking areas are small, thus limiting the numbers of vehicles that can be allowed in the park at one time. The park also has permitted agricultural operations to maintain the historic scene. Normal park operations including maintenance and historic preservation work, interpretive tours and other park-scheduled activities, and weather-related conditions (mud, excessive heat, etc.) will also be taken into account in designating areas for permitted activities.

36 CFR §2.62 MEMORIALIZATION

(b) A permit is required for the scattering of ashes from cremated human remains, or in the following designated areas without a permit, in accordance with the following terms and conditions:

The scattering of human ashes from cremation, without a permit, is allowed under the following terms and conditions:

- The remains to be scattered must have been cremated and pulverized.
- The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, or developed facility.

36 CFR §4.10 - TRAVEL ON PARK ROADS AND ROUTES

- (a) Park roads open for travel by motor vehicle are those indicated below:
- Entrance Road to Oakland Pavilion parking lot.
- Administrative Road to Seed House (authorized and government vehicles only)

36 CFR §4.11 – VEHICLE LOAD, WEIGHT AND SIZE LIMITS

(a) The following load, weight and size limits, which are more restrictive than State law, apply to the roads indicated under the terms and conditions, and/or under permit as noted:

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 No vehicle in excess of 14 feet in height, 50 feet in length, or 60,000 pounds gross vehicle weight is allowed on any park roads.

Determination: The stated limits are necessary because of low vegetative clearances and sharp turns into parking lots.

36 CFR §4.21 - SPEED LIMITS

- (b) The following speed limits are established for the routes/roads indicated:
 - Park Entrance Road to Oakland Plantation Pavilion parking lot, 15 mph.
 - Administrative Road to the Seed House, 15 mph.
 - Magnolia Plantation Parking Lot, 5 mph.

36 CFR §4.30 - BICYCLES

(a) Park roads and parking areas that are closed to bicycle use are listed in section 1.5 of this document.

The following additional routes, in developed areas or special use zones, have been designated for bicycle use:

- Oakland Plantation Trails
- Magnolia Plantation Trails

The park trails are so short that bicycle use is not a common visitor use.

Firearms in Cane River Creole National Historical Park

As of February 22, 2010, federal law allows people who can legally possess firearms under applicable federal, state, and local laws, to legally possess firearms in Cane River Creole National Historical Park and other national parks. It is the responsibility of visitors to understand and comply with all applicable state, local, and federal firearms laws before entering this park. As a starting point, please visit the State of Louisiana website.

- LRS Title 40 Section 1379.3 link is http://www.legis.state.la.us/lss/lss.asp?doc=97451
- LRS Title 14 Section 67.15 link is http://www.legis.state.la.us/lss/lss.asp?doc=78612
- LRS Title 14 Section 95.1 link is http://www.legis.state.la.us/lss/lss.asp?doc=78740
- LRS Title 14 Section 95.1.1 link is http://www.legis.state.la.us/lss/lss.asp?doc=285164
- LRS Title 14 Section 95.7 link is http://www.legis.state.la.us/lss/lss.asp?doc=78746
- LRS Title 14 Section 95.8 link is http://www.legis.state.la.us/lss/lss.asp?doc=78747

Federal law 18 USC 930 also prohibits firearms in certain facilities in this park; those places are marked with signs at all public entrances. **No firearms, whether concealed or carried openly, are allowed in any National Park Services <u>facilities</u> in Louisiana. Facilities include buildings, structures, offices, and interior locations where ranger programs are conducted.**

C:\Users\lgates\Documents\Supts Orders - Policies\SuptCompendiumCARI2012.doc Page 11 of 12 SOL Review:NwalthalI120302

Hunting is not allowed by federal statute in Cane River Creole National Historical Park. As always, if you have questions, please seek out a National Park Service employee. To report any emergency dial **911** or contact a ranger.

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